

MINUTES
BOARD OF EXAMINERS
OF CONSTABLES
ANNUAL MEETING
WEDNESDAY
DECEMBER 14, 2016
10:00 A.M.
TATNALL BUILDING
150 MARTIN L. KING, JR. BOULEVARD SOUTH
ROOM 112
DOVER, DE

I. Call to Order

Lt. Colonel Hudson called the meeting to order at 1001 hours. The meeting was recorded and the Professional Licensing Section will maintain the records.

Introductions were made around the table of Board members and staff and the room of the guests.

The following members of the Board of Examiners were in attendance:

Lt. Colonel Monroe B. Hudson, Jr.
Ralph K. Durstein, III, Esquire
Capt. Laura O'Sullivan
Chief William E. Bryson
Mr. John F. Tharan

The following members of the Board of Examiners were absent:

All were present

The following staff members were in attendance:

Rae Mims, Esquire – Deputy Attorney General
Capt. S. Benjamin Parsons – State Bureau of Identification
Lt. Kerry B. Reinbold – Professional Licensing Section
Sgt. Matthew M. Zolper – Professional Licensing Section
Ms. Peggy L. Anderson – Professional Licensing Section

The following staff members were absent:

Mr. Michael Terranova – DTCC Representative

The following guests were in attendance:

Mr. Jeff Silver
Mr. Michael A. Fontello
Mr. Jeff Horvath
Mr. Bruce Blackburn
Mr. Steven Duncan
Mr. Ricardo Palma, Sr.
Mr. Stephen Martelli
Mr. Alan Ellingsworth
Mr. Mark Tobin
Mr. Frank A. Molino

II. Review and Acceptance of Minutes
A. October 4, 2016

Mr. Durstein was not at the meeting but noted that under FOIA there must be an explanation for the Executive Session in the minutes. This particular session was called to discuss the psychological evaluation of an individual. This will be added to the minutes.

Lt. Col. Hudson, with a second by Chief Bryson, made a motion to approve the minutes from 10/04/16 with the noted addition. The motion was carried.

III. Commission Renewals

Ms. Anderson presented the following renewal commissions for approval. They have all met the requirements or provided the proper documents to the Professional Licensing Section.

- A. A.I. DuPont Hospital for Children
1. Francis J. Gillespie
 2. Sharon D. Hammond
 3. Robert C. Hartman, III
 4. Michael A. Johnson, Sr.
 5. Alfred S. Kaczorowski, Jr.
 6. Robert M. Martine
 7. Francis M. Meriggi
 8. Keith D. Moore
 9. Joshua C. Rohrer
 10. Michael A. Zenorini

Mr. Durstein, with a second by Mr. Tharan, made a motion to approve A.1.-10 for commission renewals as presented. The motion was carried.

- B. Bayhealth
1. Ronald D. Bartlett, Sr.
 2. John R. Bibby
 3. Radford J. Garrison

4. Jerard L. Gayles
5. Doyle B. Horsley
6. Terry L. Kauffman
7. Shroittii B. Lamadieu
8. Kevin M. MacFarland
9. Rubon D. May
10. Jose R. Mendez
11. Dennis B. Thompson
12. Peter D. Uhey
13. Nathan R. Whitecomb

Chief Bryson, with a second by Mr. Tharan, made a motion to approve B.1.-13 for commission renewals as presented. The motion was carried.

C. Christiana Care Health System

1. William P. Babby, III
2. Michelle E. Barksdale
3. George R. Bell
4. David P. Blaasch
5. Bruce T. Blackburn
6. Dangnalis D. Borglin
7. Gavan P. Crawford
8. Henry J. Dawson
9. Joseph A. Dempsey
10. Michael D. DiOssi, Sr.
11. Matthew A. Drake
12. Jason P. Graham
13. Winston E. Guthrie
14. Marvin L. Hackett
15. Brian J. Heath
16. David Hernandez
17. Christopher R. Houpt
18. Jeffrey W. Hoyle
19. Curtis J. Knott
20. Michael G. Kunz
21. Michael A. Lake
22. Gary P. Lennon
23. Sean F. Lennon
24. Michael W. Messick
25. Gerard E. Murray
26. Michael D. Norton
27. Crucito Ortiz
28. David A. Parker
29. James T. Pee
30. Warren M. Pinkett

31. Lauren N. Ramone
32. Elijah C. Richardson
33. Michael S. Robinson
34. Michael W. Rodick
35. Jeffrey R. Runkle
36. Joseph L. Sammons, Sr.
37. William W. Sheats, Jr.
38. Josephine M. Sheridan
39. James D. Shrewsbury
40. Mark T. Sutor
41. Mallory E. Tessein
42. Christopher K. Tjaden
43. Angelo P. Trapani
44. Robert E. Trzonkowski
45. Jared G. Turner
46. Robert Vagonis
47. David J. Valimont
48. Charles J. Wilson, Jr.

Mr. Tharan, with a second by Chief Bryson, made a motion to approve C.1.-48 for constable commission renewals as presented. The motion was carried.

- D. Delaware Animal Services Constable
Office of Animal Welfare
Division of Public Health
1. Mark A. Tobin

There was lengthy discussion regarding this entity and the approval of any constables. There was a meeting with the Lt. Col. Hudson, DAG Mims, DAG Durstein and DAG Joanna Suder from OAW regarding this issue. By statute these individuals have powers of arrest and use e-tickets through LEISS. If a summons is issued, this is an arrest of an individual. The City of Dover Fire Marshal's Office was denied for this very same reason. Mr. Tobin agrees that legislation needs to be changed to allow them to be able to completely, and correctly, perform their duties.

Discussion regarding the agency and the rest of the approved constables will be discussed later in the meeting.

Capt. Sullivan, with a second by Mr. Tharan, made a motion to not approve D.1 for constable commission renewal as presented. The motion was carried.

- E. Delaware Technical Community College
1. Alvin L. Boardley, III
2. Karen M. Buhrman
3. Donald Christie, Jr.

4. Alfonzo Dowe, Sr.
5. Gerald L. Gary, II
6. James Gladney, Jr.
7. Brian G. Henry, Sr.
8. Joseph P. Lavelle
9. Joseph S. Myers
10. Benjamin L. Nefosky
11. Joseph T. Olson
12. Robert Peaco
13. Scott W. Rittenhouse
14. Lemuel E. Shipmon
15. Mike A. Snead
16. William A. Wilson
17. Timothy E. Winstead
18. Gary L. Worthy, II

Capt. Sullivan, with a second by Mr. Tharan, made a motion to approve E.1.-18 for constable commission renewals as presented. The motion was carried.

- F. Dover Downs Hotel & Casino
1. H. Lee Ford

Chief Bryson, with a second by Mr. Durstein, made a motion to approve F.1 for constable commission renewal as presented. The motion was carried.

- G. Dover International Speedway
1. James E. Hosfelt, Jr.

Chief Bryson, with a second by Lt. Col. Hudson, made a motion to approve G.1 for constable commission renewal as presented. The motion was carried.

- H. Indian River School District
1. Deborah J. A. Ashmead
 2. Raymond P. Callaway, Jr.
 3. John J. Campbell
 4. Eddie H. Cathell
 5. G. Richard Chamberlin
 6. Barry A. Dean
 7. Gary M. DeBlasis
 8. Douglas B. Hudson
 9. Michael F. Karwacki
 10. Mark W. Rust
 11. Thomas J. Troublefield
 12. Arthur G. Uhlich
 13. Robert S. Warrington

14. Antonio G. Williams, Sr.

Chief Bryson, with a second by Mr. Tharan, made a motion to approve H.1.-14 for constable commission renewals as presented. The motion was carried.

I. RI International

1. Vincent R. Bianco
2. Gus B. Economides
3. David L. Wilkes
4. Edward J. Wilkowski

Mr. Tharan, with a second by Chief Bryson, made a motion to approve I.1.-4 for constable commission renewals as presented. The motion was carried.

J. Red Clay Consolidated School District
Department of Public Safety

1. Barry P. Corrigan

Mr. Tharan, with a second by Chief Bryson, made a motion to approve J.1 for constable commission renewal as presented. The motion was carried.

K. Sussex County Sheriff's Office

1. Patricia A. Allegro-Smith
2. Martin B. Gordy
3. Robert T. Lee
4. Eric D. Swanson
5. George H. Wilson

Chief Bryson, with a second by Mr. Tharan, made a motion to approve K.1.-5 for constable commission renewals as presented. The motion was carried.

L. Tower Hill School

1. Stephen M. Van Vechten

Chief Bryson, with a second by Lt. Col. Hudson, made a motion to approve L.1 for constable commission renewal as presented. The motion was carried.

M. Wilmington University
Department of Safety

1. William P. Chapman
2. Mark Daniels
3. Richard H. Davolos
4. Stephen J. Duncan
5. Claudine Malone
6. Scott W. McCarthy

7. Michael L. Nolan

Mr. Tharan, with a second by Chief Bryson, made a motion to approve M.1.-7 for constable commission renewals as presented. The motion was carried.

IV. New Agencies

A. Beebe Healthcare – Exhibit A
Department of Public Safety & Security

Mr. Frank Molino is not in attendance at the present time. Move forward and come back if he arrives late.

B. Bible Fellowship Church of Newark (BFCN) – Exhibit B

Ms. Anderson asked the Board to review Exhibit B from Bible Fellowship Church of Newark requesting constable positions. Mr. Jeff Silver is here to present his case and answer any questions.

Mr. Silver stated that the church has approximately 400 members however on any given Sunday there can be 600 individuals on the campus. The church has reviewed their security protocol and thought the constable option was attractive and the way to move forward. There is only one location but with multiple buildings on the campus.

Lt. Col. Hudson asked what the roll of the constable would entail. The constable would lead the security team, only performing detainments with no arrests. They want to do this legally.

Mr. Durstein asked if Sundays would be the only day that the constable would be working. There are other activities during the week with leagues such as volleyball and basketball that would need to be covered as well.

Mr. Silver stated that they would start with one individual going to the constable academy and over time probably increase the number. That individual would be a volunteer with the one time cost of the academy going to that individual. All other costs would be paid by the individual constable as well.

The security team has just started with three individuals on the team for now. All are volunteer church members. Just the thought of a constable on the campus would give a feeling of security to the church members. They consider the training the most valuable part of the constable program.

The church has looked into hiring a licensed security agency, but the issue is the cost whereas now everyone is a church member volunteer.

After further discussion Chief Bryson, with a second by Mr. Tharan, made a motion to deny the Bible Fellowship Church of Newark the request of constable positions. The motion was carried.

C. Metropolitan Transit Authority – Exhibit C

Ms. Anderson asked the Board to review Exhibit C from Metropolitan Transit Authority requesting constable positions. Mr. Michael Fontello is here to present his case and answer any questions.

Mr. Fontello explained that he is well aware of the other agency similar to his – U.S. Transit Authority, and he feels that he can provide a more local and professional service.

When he was a constable with an approved entity here in Delaware, he saw many violations during the transports. The recognition of these violations stemmed from his former law enforcement career. Mr. Fontello feels he can provide a more safe and secure transport for the patients and the citizens of Delaware. His goal is to help eliminate the need for law enforcement to transport mental health patients.

Chief Bryson asked how he would be paid. The transport fee would be paid by whomever his entity is transporting for at that time – by each agency requesting his service.

Ms. Mims asked why he wants the constable status to do this job. Mr. Fontello stated that it is in the mental health statute for a constable to perform the transporting of patients.

Lt. Col. Hudson asked about a license from the Division of Revenue. Mr. Fontello has a license for his private investigative business, but will obtain one for the constable entity if approved.

Ms. Anderson explained that Mr. Fontello will not be a constable at this time, only as the owner and coordinator of services at this time. He is not permitted to be a private investigator and a constable at the same time. If he wishes to be a constable in the future, he will resign his private investigative agency.

Chief Bryson, with a second by Mr. Durstein, made a motion to grant Metropolitan Transit Authority constable positions contingent upon a business license from the Division of Revenue be provided to Professional Licensing. The motion was carried.

1. Badge – Exhibit D

After review and discussion, Mr. Durstein, with a second by Chief Bryson, made a motion to approve the badge for Metropolitan Transit Authority providing the word “Director” is removed from it. The motion was carried.

2. Constables
 - a. Edwin R. Boulware
 - b. Barry T. Lee
 - c. Robert B. Workman

Ms. Anderson presented 2.a.-c as either previous or current constables and all are up to date on the necessary documents needed. Individuals are permitted to work for more than one entity providing that they apply, and are approved, with each entity.

Chief Bryson, with a second by Mr. Durstein, made a motion to approve 2.a.-c for new constable commissions as presented. The motion was carried.

V. New Commissions

- A. A.I. DuPont Hospital for Children
 1. Darla L. Hoff

Ms. Anderson stated that Ms. Hoff will need to provide proof of her retirement from law enforcement – NCCPD.

Mr. Tharan, with a second by Mr. Durstein, made a motion to approve A.1 for new constable commission pending proof of experience and completion of the Overview be provided to Professional Licensing. The motion was carried.

- B. Bayhealth
 1. Kenneth L. Cartwright, Jr.

Ms. Anderson stated that Mr. Cartwright will need to provide proof of the date of retirement from law enforcement.

Chief Bryson, with a second by Mr. Tharan, made a motion to approve B.1 for new constable commission pending proof of experience, completion of the Overview, test and psychological, if necessary, be provided to Professional Licensing. The motion was carried.

- C. Christiana Care Health System
 1. Michael G. Brown, II
 2. Garrick G. Cornish
 3. Gloria D. Cruz
 4. Steven J. Duncan
 5. Donald E. Stamper

Ms. Anderson asked to take C.1.-3.&5 into consideration for approval.

Mr. Durstein, with a second by Lt. Col. Hudson, made a motion to approve C.1.-3.&5 for new constable commissions with the necessary documentation provided to Professional Licensing. The motion was carried.

Ms. Anderson asked Mr. Steven Duncan to provide information regarding his correction officer experience for the Board's review.

Mr. Duncan stated that he was in the correctional academy two years ago and left corrections with just two years of experience.

Capt. O'Sullivan, with a second by Mr. Tharan, made a motion to deny the new constable commission request for C.4 due to lack of experience. The motion was carried. Mr. Duncan must attend the constable academy in 2017 if he wishes to pursue the constable position.

D. Delaware Technical Community College
1. O. Maurice Thompson

Ms. Anderson stated that Mr. Thompson still needs to provide a retirement letter from Wilmington PD and the letter of intent to hire from DTCC.

Mr. Durstein, with a second by Mr. Tharan, made a motion to approve D.1 for new constable commission pending he left in good standing and completion of the Overview. The motion was carried.

E. RI International
1. Stephen Martelli
2. Ricardo A. Palma, Sr.

Ms. Anderson explained that due to miscommunication between Professional Licensing and RI International, the only documentation on file is the letter of intent to hire for these two individuals.

Ms. Mims' recommendation is to not take any action until all the necessary documentation/requirements are provided to the Professional Licensing office.

F. Wilmington University
Department of Safety
1. Thomas C. Logan
2. Daniel A. Tjaden

Mr. Tharan, with a second by Chief Bryson, made a motion to approve F.1.-2 for new constable commissions pending completion of the Overview. The motion was carried.

- VI. Resignations/Terminations/Issues
 - A. Bayhealth
 - 1. Barry A. Jones
 - B. Christiana Care Health System
 - 1. Paul J. DiGuglielmo
 - 2. Richard W. Gerard
 - C. Delaware Technical Community College
 - 1. Timothy J. Sullivan
 - D. Wilmington University
Department of Safety
 - 1. Mary L. Devine

Ms. Anderson presented VI.A.-D as informational purposes only. No vote necessary.

- VII. Issues/Concerns/FYI/Miscellaneous
 - A. Delaware Animal Services Constable
Office of Animal Welfare
Division of Public Health
 - 1. Rebecca L. Stratten

Ms. Anderson informed the Board that the Professional Licensing office has received MMPI/PAI for Ms. Stratten and that her commission has been issued. This is for informational purposes only. No vote necessary.

- B. U.S. Transit Authority
 - 1. Badge
 - 2. Patches (2)
 - 3. Business Card

Chief Bryson, with a second by Mr. Durstein, made a motion to approve B.1.-3 as presented. The motion was carried.

- VIII. Old Business
 - A. Professional Licensing
 - 1. Rule 4.0 Badges & Vehicle Markings

Ms. Anderson asked the Board to review the handout regarding Rule 4.0 and correspondence between Professional Licensing and the Secretary of Safety and Homeland Security Office personnel.

After discussion, it was determined that Mr. Blackburn is to contact the Secretary's Office himself and make this request. Once a determination is made from the DSHS office, then the rule can be amended/adopted.

This issue is tabled until further clarification is gathered by Professional Licensing.

2. 2017 In-Service

Lt. Reinbold spoke for Mr. Terranova who could not make the meeting today.

The topics for the 2017 Classroom In-Service are as follows:

- Search & Seizure – specifically for campuses and hospitals
- Professional Communications
- Legal Updated
- Gangs/Organized Crime
- Use of Force
- Drugs (Trends)

The constable law and rules & regulations update has been taken out. It was determined that the entities contacts are to relay any changes to their constables and not to be included in the In-Service. This will free up time for other topics in need of more time.

Mr. Durstein, with a second by Chief Bryson, made a motion to approve the topics presented to be in the 2017 Classroom In-Service. The motion was carried.

3. Constable Orientation Overview

Lt. Reinbold informed the Board that a video and power point presentation has been created, is live and ready to use. The rule requiring this overview went into effect on 12/11/16.

There are sections from Probation & Parole, Use of Force, Laws of Arrest, Search & Seizure, and a de-escalation segment from law enforcement for the constables. These have been put into an approximate 15-30 minute video along with the power-point presentation. There is also a test portion that must be taken and passed. Everything is on-line.

Mr. Durstein, with a second by Chief Bryson, made a motion to approve the Constable Orientation Overview on-line training as presented. The motion was carried.

B. Board Members

The Board Members discussed the matter of the active constables for OAW and the entity itself with the issues faced by the change in legislation.

Chief Bryson, with a second by Mr. Tharan, made a motion to de-commission all the active constables for Delaware Animal Services Constable, Office of Animal Welfare, Division of Public Health. The motion was carried.

Chief Bryson, with a second by Mr. Tharan, made a motion to leave the approval for constable positions for Delaware Animal Services Constable, Office of Animal Welfare, Division of Public Health pending the outcome of any legislative changes made in 2017. The motion was carried.

C. Lieutenant Colonel

Lt. Colonel Hudson did not have any old business at this time.

Mr. Frank Molino, Beebe Healthcare arrived during the meeting and the Board returned to IV.A.

IV. New Agencies

A. Beebe Healthcare – Exhibit A
Department of Public Safety & Security

Ms. Anderson asked the Board to review Exhibit A from Beebe Healthcare requesting constable positions. Mr. Frank Molino is here to present his case and answer any questions.

Mr. Molino stated that he is the Public Safety Manager and the Director of Security for three years in January. The entity has placed a focus on training and they are at a place where they are ready to move on to the constable program. They have between 24 – 35 SCI patients per month to provide protection for at the hospital. Their current security is unarmed. Mr. Molino states that the constable positions would help law enforcement from being tied up at the hospital with these patients.

After further discussion, Chief Bryson, with a second by Mr. Durstein, made a motion to approve Beebe Healthcare constable positions as presented. The motion was carried.

IX. New Business

A. Professional Licensing

Professional Licensing did not have any new business at this time.

B. Board Members

The Board members did not have any new business at this time.

C. Lt. Colonel

Happy Holidays to everyone!

X. Public Comment (At the discretion of the Chair)

There were no comments from the public at this time.

VIII. Adjournment

A. Schedule Annual Meeting

1. December 2017 @ 10:00am.

Mr. Tharan, with a second by Chief Bryson, made a motion to adjourn the meeting at 1151 hours. The motion was carried.